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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,337	05/10/2001	Gayle R. Link	031926.0009.UTL	7377

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EXAMINER

KIANNI, KAVEH C

ART UNIT PAPER NUMBER

2877

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,337

Applicant(s)

LINK ET AL.

Examiner

Kevin C Kianni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-57 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1, for group I claims 1-37, drawn to an optical router in which a plurality of channel combiners, one channel combiner of the plurality of channel combiners per multiplexing unit of the plurality of multiplexing units, each channel combiner of the plurality of channel combiners being coupled to a different one of the outputs of the plurality of outputs of the first spatial switching fabric, said each channel combiner being capable of receiving and multiplexing channels received from the corresponding output of the plurality of outputs of the first spatial switching fabric and the channels multiplexed by the multiplexing unit associated with said each channel combiner, classified in class 359, subclass 152.
 - II. Claim 38, for group II claims 38-42, drawn to an optical router in which, a plurality of multiplexing units, one multiplexing unit of the plurality of multiplexing units per bundle, each multiplexing unit of the plurality of multiplexing units being coupled to a respective output of the plurality of outputs of the first spatial switching fabric, said each multiplexing unit of the plurality of multiplexing units being capable of multiplexing at least a subset of channels of the bundle associated with said each multiplexing

unit, the add wavelength channel converted by the converter associated with the bundle that is associated with said each multiplexing unit, and channels received from the respective output of the plurality of outputs of the first spatial switching fabric, classified in class 359, subclass 154.

- III. Claim 43, for group III claims 43-45, drawn to an optical router in which a first channel combiner coupled to the first output of the plurality of outputs of the first spatial switching fabric and to the first wavelength conversion module, the first channel combiner being capable of receiving and multiplexing wavelength channels from the first output of the first spatial switching fabric and the channels multiplexed by the first multiplexing unit; and a second channel combiner coupled to the second output of the plurality of outputs of the first spatial switching fabric and to the second wavelength conversion module, the second channel combiner being capable of receiving and multiplexing wavelength channels from the second output of the first spatial switching fabric and the channels multiplexed by the second multiplexing unit, classified in class 359, subclass 157.

- IV. Claim 46, for group IV claims 46-57, drawn to an optical router that uses optical fibers as means for first and second wavelength selection, first and

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second wavelength multiplexing, first spatial switching, and first and second channel combining for combining wavelength channels appearing at the first/second output of the first/second spatial switching means and the wavelength channels multiplexed by the first/second wavelength multiplexing means, classified in class 385, subclass 24.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I, II, III claims and Group IV claims are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group IV invention can be used as in optical interference filters as optical add/drop WDM rather than using wavelength channel filters used in SONET/SDH network for routing data.

3. Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Groups I, II and III restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on 9:30-18.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5401 for regular communications and (703) 308-5401 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4770.

Kevin C Kianni
Examiner: Kianni
Art Unit 2877

Kevin Cyrus Kianni
Patent Examiner
Group Art Unit 2877

December 27, 2002

Frank Font
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